

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.:	10/751,194	§		
Filed:	December 31, 2003	§	Examiner:	Dam, Kim Lynn
Inventors:		§	Group/Art Unit:	2179
	Garret R. Goldfield, et al.	§	Atty. Dkt. No.:	6034-04500
Title:	Providing Software Application	§		
	Help Based on Heuristics	§		

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir/Madam:

Applicant requests review of the rejection in the above-identified application. Claims 1-8, 10, 11, 13-18, 20, 21 and 23-27 are pending in the application. For brevity, only the primary arguments are presented; additional arguments may be presented if and when the case proceeds to Appeal.

Claim 1

In regard to claim 1, contrary to the Examiner's assertion, Weinlaender in view of Garber fails to teach or suggest maintaining a user help knowledge base, wherein said maintaining comprises creating a plurality of data entries, wherein each data entry of said plurality of data entries comprises data indicating: (a) help information presented to a user by said software application in response to a selection of a help information file comprising the help information, (b) a presentation mode selected by the user, wherein said help information is presented to the user according to said presentation mode selected by the user, and (c) an application context, wherein the application context is a portion of said software application executing during said selection of the help information file. Applicant's note that the Examiner has failed to specify the portion of the cited art that corresponds to the claimed *each data entry comprising data indicating help information presented to a user by said software application in response to a selection of a help information file comprising the help information*, much less *each data entry comprising data indicating an application context, wherein the application context is a portion of said software application executing during said selection referring to a past selection "presented" to the user of the help information file.* Note that claim 1 recites that each data entry comprise data indicating *help information presented [past tense] to a user in response to a selection, and the application context during that prior selection.*

Moreover, claim 1 requires that each data entry of said plurality of data entries also comprises data indicating an application context, wherein the application context is a portion of said software application executing during said selection of the help information file. Presumably, the Examiner considers the user "access[ing] the group of available help topic data sets [] directly" (paragraph [0022] of Weinlaender) to somehow teach the *selection* of claim 1. However, "said selection" in claim 1 refers a

selection of a help information file for help information that has already been “presented” to the user. Thus, “said selection” in claim 1 refers to a prior selection. The user’s ability to “still access the group of available help topic data sets 130 directly” as taught in paragraph [0022] of Weinlaender has absolutely nothing to do with each data entry also comprising data indicating an application context that is a portion of said software application executing during the past selection of the help information file. The cited art is ambiguous at best with respect to which portions of Weinlaender’s application are executing at various times. The cited art certainly does not teach or suggest that each data entry indicates help information presented (past tense) to a user by said software application in response to a selection of a help information file comprising the help information, and that each data entry also indicates an application context that is a portion of said software application executing during the past selection of the help information file.

The Examiner also cites paragraphs [0009], [0013], and [0022] and asserts “where recorded the types of access also apply to user’s access to the help information, therefore the context during said selection of help information must also be stored in a data entry.” **The Examiner’s conclusion does not make sense and is not supported by the actual teaching of the reference.** The Examiner’s conclusion that “the context during said selection of help information must also be stored in a data entry” is completely unfounded. There is no reason why any context would need to be stored to indicate “types of access” in Weinlaender. Moreover, claim 1 does not recite “types of access” and also does not recite mere “context.” Instead, claim 1 requires that each data entry also comprises data indicating an application context that is a portion of said software application executing during the past selection of the help information file. The “types of access” in Weinlaender has absolutely nothing to do with each data entry also comprising data indicating an application context that is a portion of said software application executing during the past selection of the help information file. The cited art is ambiguous at best with respect to which portions of Weinlaender’s application are executing at various times. The Examiner’s assertion that “the context during said selection of help information must also be stored in a data entry” is not supported by the cited art or any other evidence of record. **The Examiner fails to provide a response to this argument in the Advisory Action mailed February 13, 2008.**

In the Advisory Action mailed February 13, 2008, the Examiner asserts that the cited art teaches “storing an application context, wherein the application context is a portion of said software application executing during said selection of the help information file.” The Examiner cites the Abstract and paragraphs 7, 9, 13, and 22 of Weinlaender. The Examiner also asserts “where ‘user profile data set’ stores selected data sets in accordance with the frequency and/or the type of the user’s access and time stamps assigned to recorded types are the application context.” **The Examiner is merely repeating previous arguments.** As demonstrated above, claim 1 requires that each data entry also comprises data

indicating an application context that is a portion of said software application executing during the past selection of the help information file. The “types of access” in Weinlaender (even when considered with Weinlaender’s “time stamps”) has absolutely nothing to do with each data entry also comprising data indicating an application context that is a portion of said software application executing during the past selection of the help information file. Neither time stamps nor “types of access” are data indicating an application context that is a portion of said software application executing during the past selection of the help information file. The cited art does not describe a particular portion of a software application executing during a selection of a help information file and that each data entry of a plurality of data entries comprises data indicating an application context, wherein the application context is that portion of the software application that was executing during the previous selection of the help information file. The Examiner fails to these specific arguments in the Advisory Action.

Additionally, the cited art fails to teach or suggest selecting additional help information for presentation to a user based on a particular entry of the user help knowledge base, where that entry indicates previously selected help information, presentation mode, and application context, as recited in claim 1. The Examiner cites paragraph [0009] and paragraph [0013] of Weinlaender. In paragraph [0009], Weinlaender specifically discloses that his help system “selects help topic data sets” “wherein this selection is dynamically dependent on a user’s actual access frequency and actual types of access” (emphasis added). However, neither “access frequency” nor “types of access” is the same as a portion of the software application executing during said selection of the help information file. In paragraph [0013], Weinlaender provides examples of the “types of access” recorded in his user profile data set including “types of activated user functions; the data types processed by the activated user functions; and the user’s dialog techniques to activate the user functions,” none of which are the same as an application context, wherein the application context is a portion of said software application executing during said selection of the help information file. The cited art clearly does not teach or suggest selecting additional help information for presentation to a user based on a particular entry of the user help knowledge base indicating help information previously selected by a user as indicated by said particular entry.

Additionally, the cited art does not teach or suggest determining a presentation mode for the additional help information based on said particular entry of the user knowledge base, where that entry indicates previously selected help information, presentation mode, and application context, as recited in claim 1. The Examiner cites column 2, line 52 – column 3, line 4 and column 7, lines 27-37, neither of which teach or suggest anything at all about the specific data entries of Applicant’s claim, much less determining a presentation mode based on one of such data entries. The Examiner asserts “where monitoring users’ activity to determine preferences means their previously selected

presentation modes must be stored in some type of data entry.” The Examiner’s statement is factually incorrect. Monitoring does not require storing. Moreover, whether Garber teaches “some type of data entry” is irrelevant as Garber certainly does not teach data entries according to the specific limitations of claim 1, much less determining a presentation mode for the additional help information based on a particular one of such data entries. **The Examiner fails to provide a response to this argument in the Advisory Action mailed February 13, 2008.**

Furthermore, the Examiner has not stated a proper reason as to why one or ordinary skill in the art would combine the teachings of Garber with the teachings of Weinlaender to produce Applicants’ invention as claimed. The Examiner asserts “[i]t would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Garber with the system of Weinlaender since doing so would allow help information to be presented in a mode according to the user’s typical preferences (Garber: Column 7, lines 27-37).” However, column 7, lines 27-37 of Garber fail to mention anything at all about help information. Similarly, Weinlaender fails to mention anything about multiple presentation modes. Since Weinlaender fails to mention anything about multiple presentation modes and Garber fails to mention anything at all about help information, one of ordinary skill in the art would have no direction or reason to combine their teachings to “allow help information to be presented in a mode according to the user’s typical preferences”, much less create Applicants’ specific invention as claimed. The Examiner is merely attempting to reconstruct Applicant’s claimed invention through hindsight analysis. **The Examiner fails to provide a response to this argument in the Advisory Action mailed February 13, 2008.**

Thus, for at least the reasons presented above, the rejection of claim 1 is unsupported by the cited art and removal thereof is respectfully requested. Similar remarks apply to claim 21.

Claim 11

In regard to claim 11, the Examiner has failed to state a *prima facie* rejection of Applicant’s claim. More specifically, the Examiner asserts “the limitations of the claims are similar to those of claim 1, therefore it is rejected under the same rationale as applied above.” However, the limitations of claim 11 are not the same as the limitations of claim 1. Furthermore, claim 11 includes limitations not present within claim 1. For instance, claim 11 recites a.) a user help knowledge base comprising data indicating an application context, wherein the application context is a portion of the software application executing during a selection of said help information previously accessed by the user and b.) a current application context that indicates a portion of the software application currently executing. Claim 1 does not recite a current application context as recited in claim 11. Accordingly, the Examiner has failed to state a *prima facie* rejection of Applicant’s claim 11.

Furthermore, the cited art fails to teach or suggest data indicating an application context, wherein the application context is a portion of the software application executing during a selection of said help information previously accessed by the user for at least reasons similar to those presented above with respect to claim 1.

Furthermore, the Examiner has not stated a proper reason as to why one or ordinary skill in the art would combine the teachings of the cited art to produce Applicant's claimed invention for at least reasons similar to those presented above in regard to claim 1. For at least the reasons above, the rejection of claim 11 is unsupported by the cited art and removal thereof is respectfully requested.

Claim 26

In regard to claim 26, Weinlaender in view of Garber fails to teach or suggest determining a priority for presentation of the help information *based on one or more help rules*, wherein said priority indicates an order of presentation for different portions of said help information and presenting the selected help information according to the determined presentation mode and said priority. The Examiner cites paragraphs [0009] and [0026]-[0029] of Weinlaender, none of which teach or suggest the specific limitations of claim 26. More specifically, nowhere does Weinlaender mention anything at all about help rules, much less determining a priority for presentation of the help information *based on one or more help rules*, wherein said priority indicates an order of presentation for different portions of said help information. The Examiner asserts "where the selected help information is dynamically selected depending on user's utilization focus or utilization habits." However, a user's utilization focus and/or habits has nothing to do with help rules, much less determining a priority for presentation of the help information *based on one or more help rules*, wherein said priority indicates an order of presentation for different portions of said help information. **The Examiner fails to provide a response to this argument in the Advisory Action mailed February 13, 2008.**

Furthermore, the Examiner has not stated a proper reason as to why one or ordinary skill in the art would combine the teachings of Garber with the teachings of Weinlaender to produce Applicant's invention as claimed for at least reasons similar to those presented above with respect to claim 1. Thus, for at least the reasons presented above, the rejection of claim 26 is unsupported by the cited art and removal thereof is respectfully requested.

Respectfully submitted,

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